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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/851,030	05/07/2001	Michael Cristofalo	5216.00	2495
25227	7590	01/27/2005		
MORRISON & FOERSTER LLP 1650 TYSONS BOULEVARD SUITE 300 MCLEAN, VA 22102			EXAMINER BELIVEAU, SCOTT E	
			ART UNIT	PAPER NUMBER
			2614	

DATE MAILED: 01/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.



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McLean, VA 22102

In re Application of )  
Michael Cristofalo )  
Application No. 09/851,030 )  
Filed: May 7, 2001 )  
US Publication No. 2002/0166119 )  
Published: November 7, 2002 )  
For: **SYSTEM AND METHOD FOR** )  
**PROVIDING TARGETED PROGRAMMING** )  
**OUTSIDE OF THE HOME** )

**NOTIFICATION OF  
IDENTIFICATION OF PRIOR  
ART IN LATE PROTEST UNDER 37**

**C.F.R. § 1.291(a)**

The protest filed July 1, 2004 under 37 CFR 1.291 was filed after the 11/7/02 publication date of the application.

Because the protest was filed after publication of the application, it is untimely and it is not being entered in the application file. The original protest is enclosed with this letter and the duplicate copy (if any) submitted by the protestor is being destroyed in accordance with MPEP § 1901.06, Protest Filed After Allowance Or The Publication Of The Application.

If appropriate, Applicant may wish to consider submitting prior art from the protest pursuant to 37 C.F.R. § 1.97 and 37 C.F.R. § 1.56 during the prosecution of the application.

Krista Zele  
Special Programs Examiner  
Technology Center 2600  
Communications

Enc: Protest (4 pages)